

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-----------------|----------------------|------------------------|------------------|
| 10/791,682 | 03/02/2004 | Robert G. Schinazi | RSZ-4 | 2590 |
| 22827 7 | 7590 02/14/2006 | | EXAMINER | |
| DORITY & MANNING, P.A. | | | RODRIGUEZ, CRIS LOIREN | |
| POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449 | | | ART UNIT PAPER NUMBER | |
| | | | 3763 | |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| 0 | |
|---|--|
| | |

| Office Action Summary Display | | Application No. | Applicant(s) | | | | |
|--|--|---|------------------------------|--|--|--|--|
| Cris L. Rodriguez 3763 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exercises for many by an existion used the provisions of JOPE 1-136(4), an event, however, may reply be limited field 18 NO period for reply is application is pecified above, the maximum statutory period will apply and will equips SK (8) MONTH from the mailing date of this communication of the provision of the provision of the provision of the provision of the content depended renel application in become ABANDONED (30 LC § 133) Status 1) ○ Responsive to communication(s) filed on @T December 2005. 2a ○ This action is FINAL 2b ○ This action is non-final. 3) ○ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1.32 is/are pending in the application. 4a) Of the above claim(s) 4.5.16.19.20.23-25 and 33 is/are withdrawn from consideration. 5 ○ Claim(s) is/are allowed. 6) ○ Claim(s) 1.3.7 is/17.18.21.22 and 26-32 is/are rejected. 7) ○ Claim(s) is/are allowed. 6) ○ Claim(s) is/are allowed. 7) ○ The drawing(s) filed on is/are. allowed. 8) ○ Claim(s) is/are objected to by the Examiner. Application Papers 9) ○ The psecification is objected to by the Examiner. Application Papers 9) ○ The drawing(s) filed on is/are. allowed. 10 ○ The drawing(s) filed on is/are. allowed. 21 ○ Calim(s) are subjected to by the Examiner. Application Papers 9) ○ The drawing(s) filed on is/are. allowed. 22 ○ Cartified copies of the prionity documents have been received. 23 ○ Cartified copies of the prionity documents have been received in Application No | | 10/791,682 | SCHINAZI ET AL. | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of mism pay be available under its provision 37 CER 1 13(6), in no event, however, may a reply be timely filled If NO period for reply is specified above, the maximum situation period witle apply and will expire SIX (6) MONTHS from the mailing date of this communication. Fallius to provi within the soft contraded period for reply will, by statinc, cauche he application to become ABANDOED G3 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any centre purior time adjustment. 249 57 PER 1-10/40. Status 1) □ Responsive to communication(s) filed on 07 December 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-33 isfare pending in the application. 4a) □ Of the above claim(s) 4.5.16.19.20.23-25 and 33 is/are withdrawn from consideration. 5) □ Claim(s) | Office Action Summary | Examiner | Art Unit | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.136(a), in no event, nowever, may a reply be timely filed. Extensions of time may be available under the provisions of 37 CPR 1.136(a), in no event, nowever, may a reply be timely filed. Extensions of time may be available under the provisions of 37 CPR 1.136(a), in no event, nowever, may a reply be timely filed. Extensions of time may be available under the provisions of 37 CPR 1.136(a), in no event, nowever, may a reply be timely filed. Failure to reply width the set or extended pends of reply will, by stable, cause the application to become ABANDONED (35 U.S. C. § 133). Any reply method by the Office may be then there mornish after the mailing date of this communication, even if timely filed, not yretrice any overally filed to the communication of the set of this communication of the set of the s | | | | | | | |
| WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provides of 37 CPTs 1136(a), in no event, however, may a reply be limbyl filled other 5X (8) MONTHS from the mailing date of this communication. Fashes to remy which the set or extended period for revelled by shallow, and will apply and will copins 3X (8) MONTHS from the mailing date of this communication. Fashes to remy which the set or extended period for revelled by shallow, cauche the application become ARAMONED 53 U.S.C. § 1330. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patter than growth will be able to be become ARAMONED 53 U.S.C. § 1330. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned pattern. Fashes to receive them adjustment. Set 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on <i>QT December 2005</i> . 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is finAll. 2b) □ This action is finAll. 2b) □ This action is finAll. 2b) □ Claim(s) 1.33 is/are pending in the application. 4p) □ Claim(s) 1.33 is/are pending in the application. 4p) □ Claim(s) 1.33 is/are pending in the application. 4p) □ Claim(s) 1.37 1.51 71.71.21.22 and 26-32 is/are rejected. 7p) □ Claim(s) 1.37 1.51 71.71.21.22 and 26-32 is/are rejected. 7p) □ Claim(s) 1.37 1.51 71.71.21.22 and 26-32 is/are rejected. 7p) □ The specification is objected to by the Examiner. 4pplication Papers 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) 6 is/are objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action | | | | | | | |
| 1)⊠ Responsive to communication(s) filed on <i>QT December 2005</i> . 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) <i>1</i> -33 is/are pending in the application. 4a) Of the above claim(s) <i>4</i> .5, 16, 19,20,23-25 and 33 is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) <i>1</i> -3,7-15,17,18,21,22 and 26-32 is/are rejected. 7)☑ Claim(s) <i>§</i> is/are objected to. 8)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. **Attachment(s)** 1) ☑ Notice of Draftsperson's Patent Drawing Review (PTO-948) approximate page No(s)/Mall Date. 5□ Notice of Informal Patent Application (PTO-152) | WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any | | | | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) 4.5.16,19,20,23-25 and 33 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3.7-15.17.18,21,22 and 26-32 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-992) 2) Notice of Informal Patent Application (PTO-152) | Status | | | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) 4.5 16.19.20.23-25 and 33 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) 6 is/are objected to. 8) Claim(s) 6 is/are objected to. 8) Claim(s) mare subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | 1) Responsive to communication(s) filed on 07 De | ecember 2005. | | | | | |
| Closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) 4.5.16,19.20.23-25 and 33 is/are withdrawn from consideration. 5) ○ Claim(s) is/are allowed. 6) ○ Claim(s) is/are allowed. 7) ○ Claim(s) 6 is/are objected to. 8) ○ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ○ The specification is objected to by the Examiner. 10) ○ The drawing(s) filed on is/are: a) ○ accepted or b) ○ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ○ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ○ All b) ○ Some * c) ○ None of: 1. ○ Certified copies of the priority documents have been received. 2. ○ Certified copies of the priority documents have been received in Application No 3. ○ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ○ Notice of References Cited (PTO-892) 2) ○ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ○ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ○ Notice of Informal Patent Application (PTO-152) | 2a) This action is FINAL . 2b) ☑ This | action is non-final. | | | | | |
| Disposition of Claims 4) | 3) Since this application is in condition for allowan | ice except for formal matters, pro | secution as to the merits is | | | | |
| 4) | closed in accordance with the practice under E | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | |
| 4a) Of the above claim(s) 4.5.16.19.20.23-25 and 33 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) f-3.7-15.17.18.21.22 and 26-32 is/are rejected. 7) ☒ Claim(s) g is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) □ Notice of References Cited (PTO-892) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152) | Disposition of Claims | | | | | | |
| 5) Claim(s) is/are allowed. 6) Claim(s) 1-3.7-15.17.18.21.22 and 26-32 is/are rejected. 7) Claim(s) 6 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Oratsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) | 4) Claim(s) 1-33 is/are pending in the application. | | | | | | |
| 6 Claim(s) 1-3,7-15,17,18,21,22 and 26-32 is/are rejected. 7 Claim(s) 6 is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Paper No(s)/Mail Date | · · · · · · · · · · · · · · · · · · | | | | | | |
| 7) Claim(s) 6 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosures Statement(s) (PTO-1449 or PTO/S8/08) 5) Notice of Informal Patent Application (PTO-152) | 5) Claim(s) is/are allowed. | | | | | | |
| 8 | | rejected. | | | | | |
| Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152) | · <u> </u> | | | | | | |
| 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 8) Claim(s) are subject to restriction and/or | election requirement. | | | | | |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | Application Papers | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) | 9) The specification is objected to by the Examiner | • | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some col None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 3) Notice of Informal Patent Application (PTO-152) | 10) The drawing(s) filed on is/are: a) acce | epted or b) objected to by the E | Examiner. | | | | |
| 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | | • | - , | | | | |
| Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/5B/08) 5) ☐ Notice of Informal Patent Application (PTO-152) | | | | | | | |
| 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152) | 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5 Notice of Informal Patent Application (PTO-152) | Priority under 35 U.S.C. § 119 | | | | | | |
| 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152) | a) All b) Some * c) None of: | | | | | | |
| 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application (PTO-152) | | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) | | | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. * Interview Summary (PTO-413) Paper No(s)/Mail Date. * Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) | | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) | | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) | Attachment/c) | | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) | | | | | | | |
| | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Da | ite | | | | |
| | 3) [X] Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/27/04. | · | аселс Аррисацоп (РТО-152) | | | | |

Application/Control Number: 10/791,682 Page 2

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

- 1. Applicant's election of figures 2-4B claims 1-3, 6-15, 17, 18, 21, 22, and 26-32 in the reply filed on December 7, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- 2. Claims 4, 5, 16, 19, 20, 23-25, and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 7, 2005.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Application/Control Number: 10/791,682 Page 3

Art Unit: 3763

4. Claims 1, 2, 9, 15, 17, 21, 26, and 27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 13-15, 18, 19, 22, and 23 of copending Application No. 10/909,752. Although the conflicting claims are not identical, they are not patentably distinct from each other because both have similar claims directed to a flow restrictor and a system including a housing, and a pair of opposed restriction devices.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

 The specification shall conclude with one or more claims particularly pointing out and distinct
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 3 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claims 3 and 38 are confusing because it is not clear from the claims and the
 disclosure if the fluid flows around the perimeter of both planar members or
 around one as shown in figures 3A and 4A.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 7-15, 17, 18, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Utracki et al (US 6,550,956).

Utracki discloses a flow mixer/regulator having a housing 10 with an inlet (12a, 14a), and an outlet 19, at least one pair of opposed restriction devices (18,30,32) with opposing surfaces (20', 32'), a seal (18, 18a). At least one of the restriction devices includes an orifice 20a. The flow mixer can control flow by adjusting the gap between the restriction devices (col. 7).

Claim Rejections - 35 USC § 103

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massengale et al (US 6,981,967) in view of Utracki et al.

Massengale discloses fluid delivery system including a delivery tubing 130, and a flow restrictor 128. The flow restrictor can be substituted with other suitable flow regulation device (col. 4 lines 49-60). However, Massengale does not disclose the flow restrictor having the structure as claimed.

Art Unit: 3763

Utracki teaches a flow mixer/regulator a housing 10 with an inlet (12a, 14a), and an outlet 19, at least one pair of opposed restriction devices (18,30,32) with opposing surfaces (20', 32'), a seal (18, 18a). At least one of the restriction devices includes an orifice 20a. The flow mixer can control flow by adjusting the gap between the restriction devices (col. 7). Given the teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Massengale by substituting its flow regulator for Utracki's flow mixer/regulator, since Utracki suggests that such mixer/regulator would control flow.

Allowable Subject Matter

11. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is 571-272-4964. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 8, 2006

Cris L. Rodriguez Primary Examiner Art Unit 3763 Page 5